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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 001748

SIPDIS

STATE FOR EAP/PMBS, INR/EAP, USIP - SOLOMON
NSC FOR GREEN
SEOUL FOR ERIC JOHN

E.O. 12958: DECL: 04/15/2015

TAGS: [PINS](#) [PTER](#) [PREL](#) [MY](#) [RP](#)

SUBJECT: MILF AND ANCESTRAL DOMAIN: A TOUGH NUT TO CRACK

REF: MANILA 1456

Classified By: Political Officer Joseph Saus
for reasons 1.4 (b) and (d).

1. (C) Summary. The upcoming GRP-MILF "exploratory talks" will tackle what is arguably the most difficult and contentious aspect of the conflict in Mindanao -- ancestral domain and proprietary land claims. MILF interlocutors appear hopeful there is some prospect further to flesh out some of the finer details of the issue. A key MILF concern is that any agreed-upon ancestral domain framework will go unimplemented because of lack of budgetary resources and/or GRP political will. Representatives of indigenous peoples (IP) on the MILF technical committee also harbor suspicions that the dominant Maguindanaoan tribe may not have others' interests at heart. MILF negotiating parameters make explicit that the existing Autonomous Region In Muslim Mindanao (ARMM) will form the core of any future MILF-administered "Bangsamoro homeland." End Summary.

Talks Are On

2. (C) The 12 person MILF technical committee will be in Kuala Lumpur, Malaysia for talks with its GRP counterpart and Malaysian facilitators (as third-party host) April 18-20. The parties will discuss the contentious issue of ancestral domain and proprietary land rights in the framework of the GRP-MILF peace process. While the talks remain technical in nature and are labeled as the "seventh exploratory talks" rather than the beginning of formal peace talks, peace panel members of both parties are expected to attend, including Silvestre Afable, the head of the GRP panel, who has repeatedly indicated to emboffs that the GRP was prepared to be "generous" on the issue of ancestral domain and mineral rights. In a recent conversation with Pol/C, however, Afable dismissed the need for any new legislation to flesh out autonomy and ancestral domain issues from an eventual accord, claiming that existing legislation on indigenous peoples would suffice. He also insisted that the ARMM would continue to exist and that the MILF must somehow "fit into it" in the post-accord era. He predicted a peace accord was possible "by year's end," backing away from earlier estimates of June 2005.

3. (C) At an April 14 meeting with poloff, MILF technical committee member Musib Buat spoke with guarded optimism when he assessed the prospects of the upcoming meetings in Malaysia. He said the GRP has privately indicated it will establish a "Bangsamoro Commission" akin to the largely "ineffective" National Commission on Indigenous Peoples. Buat indicated the MILF did not welcome such a proposal, calling it a recycled concept lacking budget and other resources. Buat also lamented that the GRP tends to come to the negotiations with "its hands tied," without the autonomy to negotiate freely.

A State Within A State

4. (C) Separately, poloff obtained from an MILF technical committee member a draft document of "general concepts and negotiation parameters" for the MILF technical committee members. Although replete with legalistic language citing the "historic homeland and traditional abode of the Bangsamoros," the document clarifies MILF concepts of "ancestral territoriality, historical identity, political governance, and natural resources."

5. (C) The MILF concept of the Bangsamoro homeland stretches from the Sulu Archipelago to Palawan including all but the northern and eastern existing provinces of Mindanao. An indigenous peoples' representative on the MILF technical committee described the ultimate Bangsamoro objective as "a state within a state." He told poloff the area his Blaan tribe holds centers on General Santos City. He stressed that he is making sure the MILF does not cut out his people from any potential agreement on ancestral domain. (Comment. Sentiments like these indicate there may be some daylight in the concept of "Bangsamoro homeland." Social and religious cleavages exist with the Blaan and other indigenous groups

that remain territorially and culturally distinct from the Maguindanaoan tribe -- the dominant ethnic group of the MILF. End Comment.)

16. (C) The document clearly states that "present areas of the Autonomous Region in Muslim Mindanao (ARMM) shall form a part of the core of the Bangsamoro homeland." Regarding governance, the document notes that a "transfer of power for self-governance from the parent State to the Bangsamoro juridical entity" will take from five to seven years. In this period of "shared sovereignty," a transitional mechanism will transfer and devolve powers and authorities that will incorporate "the existing autonomous region and institutions for self-governance." The document also notes that a multinational third party would monitor compliance of any GRP-MILF comprehensive compact, as well as evaluate the progress of shared sovereignty arrangements toward full self-governance.

17. (C) Regarding natural resources, the "Bangsamoro authority or entity" will have the right to "utilize and develop their territorial jurisdictions and ancestral lands," including the "occupation, possession, conservation, and exploitation of all the natural resources found therein." Existing forest concessions and mining permits granted by the GRP or ARMM would require renewal, and the exploitation of sea and fresh water areas within the Bangsamoro territorial jurisdictions and the mining of strategic minerals may be subject to economic cooperation arrangements upon entry into force of the comprehensive compact.

Comment

18. (C) There is no real indication of any significant meeting of the minds between the GRP and the MILF over the past several months; it remains a mystery to us why the Government of Malaysia first delayed this round of talks but now apparently believes the time for talks is more opportune than a month or two ago. It will be at least minimally useful for leaders on both the GRP and MILF to be able to cite the new round of talks as an indication of some sort of forward motion, even if the devil is apt to remain in the details for months -- if not years -- to come.
Ricciardone